

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                            |   |                   |
|----------------------------|---|-------------------|
| DAVID POEHLER,             | ) |                   |
|                            | ) | NO. 04cv30254-MAP |
| Plaintiff,                 | ) |                   |
|                            | ) |                   |
| v.                         | ) |                   |
|                            | ) |                   |
| JOHN E. POTTER, Postmaster | ) |                   |
| General,                   | ) |                   |
|                            | ) |                   |
| Defendants.                | ) |                   |
|                            | ) |                   |

ANSWER

The defendant, John E. Potter, by his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, answers the complaint as follows. Since the paragraphs of the complaint are not numbered, the defendant is answering the complaint sentence by sentence.

1. The defendant admits the first sentence.

2. As to the second sentence, the defendant admits that he is the head of the United States Postal Service, which has its principle place of business in Washington, D.C. The defendant denies the remainder of sentence 2.

3. The defendant denies sentence 3.

4. The defendant denies the remaining sentences of the complaint.

FIRST AFFIRMATIVE DEFENSE

The plaintiff failed to timely exhaust administrative remedies.

SECOND AFFIRMATIVE DEFENSE

The defendant had legitimate business reasons for its actions.

Respectfully submitted:

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/Karen L. Goodwin

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Karen L. Goodwin  
Assistant U.S. Attorney  
1550 Main Street  
Springfield, MA 01103  
413-785-0235

Dated: June 1, 2005

CERTIFICATION

This is to certify that a copy of the foregoing was mailed this date, postage prepaid, to Edward Pikula, O'Connor, Martinelli, Cullinan & Pikula, 1391 Main Street, Suite 1022, Springfield, MA 01103.

/s/Karen L. Goodwin  
Karen L. Goodwin